



# House of Representatives

General Assembly

**File No. 207**

February Session, 2002

Substitute House Bill No. 5251

*House of Representatives, March 28, 2002*

The Committee on General Law reported through REP. FOX of the 144th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

**AN ACT CONCERNING WELL DRILLERS, PHARMACISTS,  
ELECTRONIC SHELF-PRICE LABELING, HEALTH CLUBS, THE  
LIQUOR CONTROL ACT, BUILDING PERMITS FOR  
TRADESPERSONS, HOME IMPROVEMENT BONDS, LEMON LAW  
FUNDING AND SHORTHAND REPORTERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-428 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2002*):

3 This chapter shall not apply to any of the following persons or  
4 organizations: (1) The government of the state, municipalities of the  
5 state or any department or agency of the state or such municipalities;  
6 (2) the government of the United States or any of its departments or  
7 agencies; (3) any school, public or private, offering as part of a  
8 vocational education program courses and training in any aspect of  
9 home improvements; and (4) any person holding a current  
10 professional or occupational license issued pursuant to the general  
11 statutes, and any person registered pursuant to sections 25-126 to 25-

12 137, inclusive, provided such person engages only in that work for  
13 which [he] such person is licensed or registered.

14 Sec. 2. Subsection (a) of section 20-590 of the general statutes is  
15 repealed and the following is substituted in lieu thereof (*Effective*  
16 *October 1, 2002*):

17 (a) The department shall, upon authorization of the commission,  
18 issue a license to practice pharmacy as a pharmacist to any individual  
19 provided the individual:

20 (1) Has submitted a written application on a form approved by the  
21 department;

22 (2) Has graduated from [and received the entry-level professional  
23 pharmacy degree from] a college or school of pharmacy approved by  
24 the commission with a degree that was, at the time of graduation, an  
25 entry level professional pharmacy degree;

26 (3) Has the professional experience as a pharmacy intern required  
27 by regulations adopted by the commissioner, with the advice and  
28 assistance of the commission, in accordance with chapter 54;

29 (4) Has successfully passed the examination described under  
30 subsection (b) of this section;

31 (5) Is eighteen years of age or older at the time of the examination;  
32 and

33 (6) Has paid the examination fee specified in section 20-601.

34 Sec. 3. Subsection (b) of section 21a-79 of the general statutes, as  
35 amended by section 1 of public act 01-73, is repealed and the following  
36 is substituted in lieu thereof (*Effective October 1, 2002*):

37 (b) (1) (A) Any person, firm, partnership, association or corporation  
38 that utilizes universal product coding in totaling a retail customer's  
39 purchases shall mark or cause to be marked each consumer  
40 commodity [which] that bears a Universal Product Code with its retail

41 price.

42 (B) Any person, firm, partnership, association or corporation that  
43 utilizes an electronic pricing system in totaling a retail consumer's  
44 purchases shall provide each consumer with an item-by-item digital  
45 display, plainly visible to the consumer as each universal pricing code  
46 is scanned, of the price of each consumer commodity or carbonated  
47 soft drink container, or both, selected for purchase by such consumer  
48 prior to accepting payment from such consumer for such commodity  
49 or container. The provisions of this subparagraph do not apply to any  
50 person, firm, partnership, association or corporation operating in a  
51 retail sales area of not more than ten thousand square feet.

52 (2) The provisions of subparagraph (A) of subdivision (1) of this  
53 subsection shall not apply if: (A) The Commissioner of Consumer  
54 Protection, by regulation, allows for the utilization of electronic shelf  
55 labeling systems; (B) a retailer is granted approval to utilize an  
56 electronic shelf labeling system by the commissioner; [and] (C) the  
57 retailer has demonstrated to the satisfaction of the commissioner that  
58 such electronic shelf labeling system is supported by an electronic  
59 pricing system [which] that utilizes universal product coding in  
60 totaling a retail customer's purchases; and (D) the retailer has received  
61 approval for such an electronic pricing system by the commissioner,  
62 and has received permission by the commissioner to suspend  
63 implementation of the system for a period not to exceed thirty days in  
64 order to reset, remodel, repair or otherwise modify the electronic shelf  
65 labeling system at the retail establishment.

66 (3) Consumer commodities that are advertised in a publicly-  
67 circulated printed form as being offered for sale at a reduced price for  
68 a minimum seven-day period need not be individually marked at such  
69 reduced retail price, provided such consumer commodities are  
70 individually marked with their regular retail price and a conspicuous  
71 sign is adjacent to such consumer commodities, which sign discloses:  
72 (A) The reduced retail price and its unit price; and (B) a statement that  
73 the item will be electronically priced at the reduced price by the

74 cashier.

75 (4) If a consumer commodity is offered for sale at a reduced price, in  
76 accordance with subdivision (3) of this subsection and its electronic  
77 price is higher than the reduced price on the sign [which] that is  
78 adjacent to the consumer commodity, then one item of such consumer  
79 commodity shall be given to the consumer upon demand at no cost. A  
80 conspicuous sign shall adequately disclose to the consumer that in the  
81 event the electronic price is higher than the reduced retail price, one  
82 item of such consumer commodity shall be given to the customer upon  
83 demand at no cost.

84 Sec. 4. Subsection (e) of section 21a-226 of the general statutes is  
85 repealed and the following is substituted in lieu thereof (*Effective*  
86 *October 1, 2002*):

87 (e) The commissioner shall provide forms for applications by buyers  
88 for payment from the guaranty fund. The application shall include the  
89 name and address of the health club, the beginning and ending date of  
90 the contract, the price of the contract, the date of the closing of the  
91 health club, the amount and the basis of the claim and a copy of the  
92 contract or other proof of membership deemed suitable by the  
93 commissioner. No application for a payment from the guaranty fund  
94 shall be accepted by the commissioner more than six months after the  
95 date of the closing of the location of the health club where the buyer  
96 entered into the contract.

97 Sec. 5. Section 30-59a of the general statutes is repealed and the  
98 following is substituted in lieu thereof (*Effective October 1, 2002*):

99 The Department of Consumer Protection [shall] may, upon notice  
100 from the Division of Special Revenue of the name and address of any  
101 person who has had [his] a license suspended or revoked by the  
102 Gaming Policy Board or the executive director of the Division of  
103 Special Revenue, suspend the permit of such person until such license  
104 has been restored to such person. The Department of Consumer  
105 Protection shall notify the Division of Special Revenue of the name and

106 address of any permittee or backer whose permit has been suspended  
107 or revoked.

108 Sec. 6. (NEW) (*Effective October 1, 2002*) No person licensed pursuant  
109 to sections 20-330 to 20-341, inclusive, of the general statutes, as  
110 amended, shall commence work within the scope of sections 20-330 to  
111 20-341, inclusive, of the general statutes, as amended, unless each  
112 applicable permit with respect to the specific work being performed by  
113 such licensee has been obtained as required pursuant to local  
114 ordinances and the general statutes.

115 Sec. 7. Subsection (c) of section 20-426a of the general statutes is  
116 repealed and the following is substituted in lieu thereof (*Effective*  
117 *October 1, 2002*):

118 (c) Such bond shall be in such form as the commissioner may  
119 require and shall be in the amount of [ten] fifteen thousand dollars.  
120 The commissioner may require the contractor to provide from time to  
121 time proof that the bond is in full force and effect.

122 Sec. 8. Subsections (a) and (b) of section 23 of public act 01-9 of the  
123 June special session are repealed and the following is substituted in  
124 lieu thereof (*Effective October 1, 2002*):

125 (a) A new automobile warranties account surcharge is hereby  
126 imposed on the sale or lease of each new [passenger vehicle or  
127 motorcycle sold] motor vehicle, as defined in section 42-179, sold or  
128 leased in this state by any person licensed to offer such vehicles for sale  
129 under section 14-52. Such surcharge shall be in addition to any tax  
130 otherwise applicable to any such sales transaction.

131 (b) The surcharge assessed pursuant to this section shall be at a rate  
132 of three dollars per [passenger vehicle or motorcycle] motor vehicle, as  
133 defined in section 42-179. Such surcharge shall be collected by each  
134 licensee under section 14-52 engaged in [new passenger vehicle or  
135 motorcycle sales] the sale or lease of motor vehicles, as defined in  
136 section 42-179, in this state.

137 Sec. 9. Subsection (a) of section 20-654 of the general statutes is  
138 repealed and the following is substituted in lieu thereof (*Effective*  
139 *October 1, 2002*):

140 (a) No person shall receive a license under the provisions of sections  
141 20-650 to 20-656, inclusive, until such person has passed an  
142 examination which shall be substantially similar to the examination of  
143 the National Court Reporters Association, [or demonstrates to the  
144 satisfaction of the board that such person has actively engaged in the  
145 practice of shorthand reporting in this state before October 1, 1997,] or  
146 has submitted evidence satisfactory to the board that such person is a  
147 Registered Professional Reporter of the National Court Reporters  
148 Association or its equivalent.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>
Sec. 4	<i>October 1, 2002</i>
Sec. 5	<i>October 1, 2002</i>
Sec. 6	<i>October 1, 2002</i>
Sec. 7	<i>October 1, 2002</i>
Sec. 8	<i>October 1, 2002</i>
Sec. 9	<i>October 1, 2002</i>

***Statement of Legislative Commissioners:***

In section 8, subsection (b) was added and conforming changes were made to said subsection for consistency with subsection (a).

**GL**            *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

Fund-Type	Agency Affected	Current FY \$	FY 03 \$	FY 04 \$
GF - Revenue Gain	Consumer Protection, Dept.	-	Minimal	Minimal

Note: GF=General Fund

#### **Municipal Impact:**

Effect	Municipalities	Current FY \$	FY 03 \$	FY 04 \$
Revenue Gain	All Municipalities	-	Minimal	Minimal

### **Explanation**

This bill applies to many activities administered and supported by the Department of Consumer Protection (DCP) concerning health, occupational and professional registration and licensing. No section or part of this bill will have a significant fiscal impact. Below is a brief description of sections that will have some type of fiscal impact.

**Section 1** prohibits plumbers, electricians, sheet metal workers and other tradesmen from starting jobs unless the required state and local building or construction permits have been obtained. This provision primarily affects municipalities. Since the permit fees established by municipalities varies from town to town, the revenue gain is indeterminate but is expected to be minimal.

**Section 5** allows, rather than requires, the DCP to suspend the liquor permit of someone whose license has been suspended or revoked by the Gaming Policy Board or the Division of Special Revenue. This bill will be affecting package store permit fees which are presently \$425 annually, and grocery store/beer permit fees which

are \$85 annually. Last calendar year, only one of these liquor permits was suspended; the liquor permit was subsequently reinstated. Thus, it is anticipated that any revenue gain would be minimal.

**Section 6** exempts well drillers from the home improvement registration requirement. The department has not required well drillers to register as home improvement contractors. It has applied the same law that currently applies to licensed professionals and tradesmen. Since this provision conforms with existing practice, no revenue loss is anticipated

**Section 8** - Since car dealerships already impose the \$3 surcharge on each type of vehicles and transaction covered by the program, no revenue gain to the New Automobile Warranties Account is anticipated. The \$3 Lemon Law surcharge commenced on July 1, 2001. To date, the deposits in the account total \$236,683.

**Section 9** eliminates the existing grandfathering provision in the Shorthand Reporter Act that allows a shorthand reporter to be licensed automatically without being retested. It is anticipated that the workload increase due to the examination requirement can be handled within existing budgetary resources.



---

**OLR Bill Analysis****sHB 5251*****AN ACT CONCERNING WELL DRILLERS, PHARMACISTS, ELECTRONIC SHELF-PRICE LABELING, HEALTH CLUBS, THE LIQUOR CONTROL ACT, BUILDING PERMITS FOR TRADESPERSONS, HOME IMPROVEMENT BONDS, LEMON LAW FUNDING AND SHORTHAND REPORTERS*****SUMMARY:**

This bill:

1. prohibits plumbers, electricians, sheet metal workers, and other specified tradesmen from starting to work on a project, unless the required state and local building or construction permits relating to their trade have been obtained;
2. allows people making a claim for payment from the Connecticut Health Club Guaranty Fund to prove club membership using other forms of proof than their health club contract, if the commissioner finds the alternative form of proof suitable;
3. allows, rather than requires, the Department of Consumer Protection (DCP) to suspend the liquor permit of someone whose license has been suspended or revoked by the Gaming Policy Board or the Division of Special Revenue;
4. adds additional conditions for stores seeking an exemption from the item pricing law because they are using an approved electronic shelf labeling system;
5. exempts registered well drillers working in their trade from the law concerning home improvement contractor registration. (The law already exempts licensed professionals and tradesmen, provided they are working in their field);
6. eliminates an avenue to licensure as a shorthand reporter based on experience;
7. imposes the \$3 Lemon Law surcharge used to fund the operation of

the Lemon Law program on each type of vehicle and transaction covered by the program;

8. increases, from \$10,000 to \$15,000, the maximum bond the consumer protection commissioner may impose on a registered home improvement contractor as a result of a disciplinary action; and
9. specifies that to receive a pharmacist's license, an individual must have earned a degree from a college or school of pharmacy that was an entry-level professional pharmacy degree at the time he graduated.

EFFECTIVE DATE: October 1, 2002

### **ITEM PRICING LAW EXEMPTION**

The law generally requires stores that use Universal Product Coding (UPC) and bar scanners to charge consumers to mark each item with its price. Current law exempts stores that use an electronic shelf labeling (ESL) system if (1) the consumer protection commissioner allows them by regulation, (2) the commissioner grants permission to the retailer, and (3) the retailer has demonstrated to the commissioner's satisfaction that the system is supported by an electronic pricing system that uses UPC and bar code scanners to charge a consumer for his purchases. The bill also requires these stores to (1) receive permission for their electronic pricing system from the commissioner and (2) receive permission to suspend implementation of the electronic pricing system for up to 30 days while their ESL system is being reset, remodeled, repaired, or otherwise modified.

### **SHORTHAND REPORTERS**

Under the bill, an applicant for licensure as a shorthand reporter can no longer qualify for a license by demonstrating to the board that he was a practicing shorthand reporter before October 1, 1997, the date the shorthand reporting licensing law took effect. The bill maintains the requirements that an applicant either (1) pass an examination substantially similar to the examination given by the National Court Reporters Association or (2) prove to the board that he is a registered professional reporter of the National Court Reporters Association.

### **LEMON LAW SURCHARGE**

The \$3 Lemon Law surcharge was imposed on the sale of each new passenger vehicle and motorcycle in 2001. The law requires the proceeds to be deposited in the New Automobile Warranties Account and used to fund the Lemon Law program. The Lemon Law applies to the sale or lease of passenger motor vehicles, passenger and commercial motor vehicles, and motorcycles. The bill imposes the surcharge on lease transactions and sold or leased passenger and commercial (combinations) motor vehicles, thereby applying the surcharge to each type of vehicle and transaction covered by the program.

## **BACKGROUND**

### ***Health Club Guaranty Fund***

The fund is designed to prevent health club members from losing their investment when a club closes. It is funded with annual fees paid by health clubs and administered by the consumer protection department. If a club closes and does not reimburse its members for the unfulfilled portion of their contracts, members may seek reimbursement from the fund.

## **COMMITTEE ACTION**

General Law Committee

Joint Favorable Substitute

Yea 17      Nay 0